

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Chris Bazar Agency Director

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October 31, 2017

Agenda Item No. #5
November 7, 2017

Alameda County Board of Supervisors Administration Building 1221 Oak Street Oakland, CA 94612

Dear Board Members:

SUBJECT: ALTAMONT LANDFILL AND RESOURCE RECOVERY FACILITY

OPEN SPACE ADVISORY COMMITTEE – EAST BAY REGIONAL PARK DISTRICT GRANT PROPOSAL, GLENN PROPERTY LOCATED

AT TEHAN CANYON ROAD

RECOMMENDATION:

That the Board find the recommendation of the Altamont Landfill & Resource Recovery Facility (ALRRF) Open Space Advisory Committee to approve the East Bay Regional Park District's grant proposal application is consistent with the criteria set forth in the Altamont Landfill Settlement Agreement.

SUMMARY:

As part of the settlement of litigation over the expansion of the Altamont Landfill, the parties to the litigation agreement (Alameda County, Waste Management of Alameda County, the Cities of Livermore and Pleasanton, and various environmental groups) agreed that the County would impose a fee totaling \$.75 per ton at the Altamont Landfill and Resource Recovery Facility for open space acquisition. The Open Space fund is distributed on an 80/20 percent split with eighty percent of the Open Space fees designated for open space expenditures in the eastern area of East Alameda County and 20 percent of the Open Space fees designated for expenditures in the western area of West Alameda County. The jurisdictions currently paying this fee are Oakland, Alameda, San Leandro, Castro Valley Sanitary District, Oro Loma Sanitary District, Albany, Hayward and Dublin.

The Altamont Open Space Advisory Committee consists of the following members: one member appointed by the Board of Supervisors, one member appointed by the Livermore City Council, one member appointed by the Pleasanton City Council and one member appointed by the Sierra Club. The Altamont Settlement Agreement, Section 7.4.4, states that affirmative action on the recommendations shall be required by the Board of Supervisors, the Sierra Club, and the Pleasanton City Council for the expenditures in the western portion of the area covered by the fee. These parties shall determine only whether the recommendations are consistent with the criteria set forth in Subsection 7.4.2.

Honorable Board of Supervisors November 7, 2017 Page 2

At the ALRRF Open Space Committee meeting on September 15, 2017, the committee considered the grant application from East Bay Regional Park District (see attached grant application). The grant application is in the amount of \$600,000 for acquisition of 4.0 acres of real property with a 3,500 square foot home located at 10 Tehan Canyon Road. The total purchase price of the property is \$1,900,000. Acquisition of this property will expand the existing 9,000-acre Pleasanton Ridge Regional Park and provide the Park District with the opportunity to: 1) eliminate an inholding within the park, thereby protecting habitat values of the surrounding parkland; 2) reuse the current single-family residence for park purposes; and 3) develop an alternative trail alignment into the interior of the park from the future staging area off northern Foothill Road.

At the meeting there was discussion regarding the high cost of the property on a per-acre basis. Dick Schneider, representing the Sierra Club's Public Lands Committee, noted that, according to the Settlement Agreement, the first priority of the Open Space Committee is to fund the acquisition of properties having significant value for preservation of native biological diversity and/or wildlife habitat. He stated that EBRPD is essentially buying a house and estimated the habitat value of the property at \$100,000; the \$150,000/acre cost would deplete the West County fund, which currently has \$779,373.04. The committee voted unanimously to approve the sum of \$100,000 for the purchase of the Glenn property.

FISCAL IMPACT:

There is no financial impact to the County. The source of all funding for this program will be the Altamont Settlement Agreement Open Space Account (see attached spreadsheet).

Sincerely,

Chris Bazar, Director

Community Development Agency

cc: Donna Ziegler, County Counsel

Andrea Weddle, Office of the County Counsel Stephanie Chan, County Administrator's Office

U.B. Singh, CDA Finance Director

Attachments

AGREEMENT BY AND BETWEEN

EAST BAY REGIONAL PARK DISTRICT

AND.

THE COUNTY OF ALAMEDA

THIS AGREEMENT is made and entered into this day of November 7, 2017, by and between the County of Alameda, (the "County") and the East Bay Regional Park District ("EBRPD").

WHEREAS, on December 5, 1999 the County entered into a Settlement Agreement with the City of Livermore, the City of Pleasanton, Sierra Club, Northern California Recycling Association, Altamont Landowners Against Rural Mismanagement and Waste Management of Alameda County, Inc., which agreement, in part, provides for funding of the Open Space Account pursuant to the terms of said Settlement Agreement, said funds to be used for the acquisition of properties for the preservation of open space and its eligible activities, as specified in said Settlement Agreement, and administered by the County; and

WHEREAS, the County convened an Altamont Landfill and Resource Recovery Facility Open Space Advisory Committee ("ALRRFOPAC"), and ALRRFOPAC recommended to the County approval of the proposed application of EBRPD, attached as Exhibit A, subject to the reduction in the amount of funding; and

WHEREAS, the County Board of Supervisors at their meeting on November 7, 2017, determined that the recommendation of ALRRFOPAC to approve this grant application is consistent with the criteria set forth in the Altamont Landfill Settlement Agreement; and

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PROMISES HEREINAFTER MADE, COUNTY AND EBRPD DO MUTUALLY AGREE AS FOLLOWS:

I. SCOPE OF WORK

- A. EBRPD shall acquire legal title to the real property designated by the Alameda County Recorder's Office as assessor's parcel number ("APN") 941-1900-003 (the "Glenn Property" or "Property"), located at 10 Tehan Canyon Road, Pleasanton, Alameda County. The Glenn property totals approximately 4.0 acres of open space in Alameda County.
- B. Said acquisition shall be completed and title to the property vested in the name of EBRPD on or before December 31, 2017.
- C. The Glenn Property shall be maintained by EBRPD as Open Space for the benefit of and use by the citizens of Alameda County. Should the use of the acquired parcel change in the future and result in the sale of the property, EBRPD agrees to return the grant funds to

the County proportionate to its contribution to the acquisition cost. The obligations of EBRPD in this paragraph I(C) shall survive the termination of this Agreement following the acquisition of the Property.

II. COMMENCEMENT AND COMPLETION REQUIREMENTS

- A. County has allocated the sum of \$\frac{100,000 ("Grant Funds")}{100,000 ("Grant Funds")}\$ to be expended as described in this Agreement.
- B. The term of this Agreement begins on the 7th day of November 2017, and ends on the 30th day of March 2018 or when all terms of the Agreement have been completed.
- C. It shall be the responsibility of EBRPD to coordinate and schedule said acquisition to be completed so that commencement and completion will take place in accordance with the provisions of this Agreement.
- D. Any time extension granted to EBRPD to enable EBRPD to complete the acquisition shall not constitute a waiver of rights the County may have under this Agreement.
- E. Should EBRPD not complete the purchase by March 30, 2018, or by any extension of that date granted by the County, the County shall be released from all conditions of this Agreement and the Grant Funds shall be immediately returned to the County.
- F. The Grant Funds specified by this Agreement shall be deposited into an escrow account, subject to an escrow agreement approved by the County, and held in such escrow for use for the acquisition of said real property by EBRPD. The Director of the County's Community Development Agency, in conjunction with the Office of the County Counsel, shall have the authority to approve the escrow agreement on behalf of the County.
- G. Upon completion of performance under this Agreement, EBRPD shall submit to the County a copy of the deed evidencing title to the Glenn Property in the name of EBRPD.

III. HOLD HARMLESS/INDEMNIFICATION:

- A. EBRPD shall indemnify, save, protect, defend and hold harmless the County, its boards, officers, employees, agents and contractors from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, by whomever asserted, arising out of or connected with the acts or omissions of EBRPD in the performance of this Agreement, except those arising from the negligence or willful misconduct of the County, its boards, officers, employees, agents or contractors.
- B. COUNTY shall indemnify, save, protect, defend and hold harmless EBRPD, its boards, officers, employees, agents and contractors from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, by whomever asserted, arising out of or connected with the acts or omissions of County in the performance of this Agreement, except those arising from the negligence or willful misconduct of EBRPD, its boards, officers, employees, agents or contractors.

IV TERMINATION OF THIS AGREEMENT

The County may terminate this Agreement, in whole or in part, immediately for cause, which shall include, but not be limited to, failure, for any reason, of EBRPD to fulfill in a timely and proper manner any of its obligations under this Agreement. In the event of the termination of this Agreement, all funds paid by the County shall be immediately returned to the County, unless the purchase of the Property has been completed and titled vested in EBRPD.

COUNTY OF ALAMEDA BOARD OF SUPERVISORS
By: Wilma Chan, President
Date:
Approved as to form:
Donna Ziegler, County Counsel
By: Washy Lee, Deputy County Counsel

East Bay Regional Perk District

Robert E. Doyle, General Manager

Date: WIII7

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

APPROVED AS TO FORM:

District Counsel
East Bay Regional Perk District

Altamont Landfill and Resource Recovery Facility (ALRRF)

Trust Fund 84402 Account Balance

Distribution of funds: Cities & Sanitary Fill \$1.32765 per ton / \$1.32765 per ton

Eastern Community = deposit amt/2 x 80%

Western Community = deposit amt/2 x 20%

Livermore Host Community = deposit amt x 25% Livermore Educ Community = deposit amt x 25%

				%08		20%	
Date	Details	Amount	Cumulative	Eastern	Cumulative	Western	Cumulative
	Ξ,	t printed. If need	ed, call for the old	dden or not printed. If needed, call for the older data as needed			
02/09/16	02/09/16 Pmt of 25% to Liv - Jan 2016 Deposits 15/16	(97,412.82)	9,863,039.84		9,471,967,46		(101 954 77)
03/31/16	03/31/16 3rd Ctr Interest for FY 15/16	8,287.69	9,871,327.53	7,959.08	9 479,926.54	(85.67)	(102 040 44)
04/20/16	04/20/16 Deposit Permit #07181 Jan-Mar (1st Otr) 2016	76,016.88	9,947,344.41	60,813.50	9,540,740.04	15.203.38	(86 837 07)
04/27/16	04/27/16 Deposit Permit #07399 Jan-Mar (1st Qtr) 2016	288,771.56	10,236,115.97	115,508.62	9,656,248.67	28.877.16	(57 959 91)
04/27/16	04/27/16 Deposit Permit #07399 Jan (1st Qtr) 2016	23,993,80	10,260,109.77	9,597.52	9,665,846.19	2.399.38	(55 560 53)
05/18/16	05/18/16 Education Advisory Board funds to Livermore - 2016	(550,000.00)	9,710,109.77		9,665,846,19		(55,560,53)
05/18/16	05/18/16 Pmt of 25% to Liv - Apr 2016 Deposits 15/16	(78,191.34)	9,631,918.43		9,665,846.19		(55.560.53)
06/30/16	06/30/16 4th Qtr Interest for FY 15/16	16,709.67	9,648,628.10	16,768.53	9,682,614.72	(96.39)	(55,656,92)
07/20/16	07/20/16 Deposit Permit #09990 Apr-Jun (2nd Otr) 2016	69,951.91	9,718,580.01	55,961.53	9,738,576.24	13,990.38	(41.666.54)
08/03/16	08/03/16 Deposit Permit #10460 Apr-Jun (2nd Qtr) 2016	278,942.33	9,997,522.34	111,576.93	9,850,153.18	27,894.23	(13,772,30)
08/15/16	08/15/16 Pmt of 25% to Liv - Jul 2016 Deposits 15/16	(69,735.58)	9,927,786.76		9,850,153.18		(13,772,30)
09/30/16	09/30/16 1st Otr Interest for FY 16/17	14,645.36	9,942,432.13	14,530.84	9,864,684.02	(20.32)	(13,792,62)
10/19/16	10/19/16 Deposit Permit #01527 Jul-Sep (3rd Otr) 2016	81,422.60	10,023,854.73	65,138.08	9,929,822.10	16.284.52	2 491 90
10/26/16	10/26/16 Deposit Permit #10460 Jul-Sep (3rd Qtr) 2016	324,680.50	10,348,535.23	129,872.20	10,059,694.30	32,468.05	34 959 95
11/08/16	11/08/16 Pmt of 25% to Liv - Oct 2016 Deposits 16/17	(81,170.13)	10,267,365.10		10,059,694.30		34,959.95
12/31/16	12/31/16 2nd Qtr Interest for FY 16/17	16,240.93	10,283,606.03	15,912.44	10,075,606.73	55.30	35,015.25
01/18/17	01/18/17 Deposit Permit #04339 Oct-Dec (4th Ott) 2016	80,518.09	10,364,124.12	64,414.47	10,140,021.20	16,103.62	51,118,87
03/22/17	03/22/17 Deposit Permit #06422 Oct-Dec (4th Otr) 2016	321,076.39	10,685,200.51	128,430.56	10,268,451.76	32,107.64	83,226,51
03/22/17	03/22/17 Pmt of 25% to Liv - Jan 2017 Deposits 16/17	(80,269.10)	10,604,931.41		10,268,451.76		83,226.51
03/31/17	03/31/17 3rd Qtr Interest for FY 16/17	17,329.64	10,622,261.04	16,779.79	10,285,231.55	136.00	83,362.51
71/81/40	04/19/17 Deposit Permit #07370 Jan-Mar (1st Otr) 2017	87,663.18	10,709,924.22	70,130.54	10,355,362.10	17,532.64	100,895.14
11/20/CO	US/US/17 Deposit Permit #U/836 Jan-Mar (1st Qtr) 2017	351,424.49	11,061,348.71	140,569.80	10,495,931.89	35,142.45	136,037.59
71/01/03		(87,856.12)	10,973,492.59		10,495,931.89		136,037.59
71/15/60	US/31/17 Education Advisory Board funds to Livermore - 2017	(304,996.76)	10,668,495.83		10,495,931.89		136,037.59
11/82/10	07/28/17 Deposit Permit #10531 Apr-Jun (2nd Otr) 2017	90,753.51	10,759,249.34	72,602.81	10,568,534.70	18,150.70	154, 188.29
09/07/17	09/07/17 Deposit Permit #11978 Apr-Jun (2nd Otr) 2017	363,761.59	11,123,010.93	145,504.64	10,714,039.34	36,376.16	190,564.45
09/07/17	09/07/17 Pmt of 25% to Liv - Jul 2017 Deposits 16/17	(90,940.40)	11,032,070.53		10,714,039.34		190,564.45
			11,032,070.53		10,714,039.34		190,564.45
			11,032,070.53		10,714,039.34		190,564.45
-			11,032,070.53		10,714,039.34		190,564.45
		11,032,070.53		10,714,039.34		190,564.45	

Planning Department
VRL Open Space (Trust #84402)
Interest Bearing Trust Fund
Depository Account No. 499990/84402/900000/99999
as of 4/11/17

Transaction	Open Space	Eastern	Western
Date Info	75%	80%	20%
6/30/2016 4th Ort (Manest for Parability #	4,121.62	3,297,30	824.32
7/20/2016 Deposit Permit #09990 - Jun 2016	22,435.59	17,948.47	4,487.12
8/15/2016 Pint to Livermore-Host Community (Apr-Jun16)	0.00	•	1
8/17/2016 Deposit Permit #10847 - Jul 2016	22,145.08	17,716.06	4,429.02
7/20/2016 Deposit Permit #00598 - Aug 2016	22,054.22	17,643.38	4,410.84
	3,727.69	2,982.15	745.54
10/19/2016 Deposit Permit #01527 - Sep 2016	20,773.99	16,619.19	4,154.80
11/8/2016 Pmt to Livermore-Host Community (Jul-Sep16)	0.00	•	100
11/17/2016 Deposit Permit #02490 - Oct 2016	22,507.97	18,006.37	4,501.59
12/21/2016 Deposit Permit #03541 - Nov 2016	22,161.83	17,729.46	4,432.37
	4,069.49	3,255.59	813.90
1/18/2017 Deposit Permit #04339 - Dec 2016	21,721.44	17,377,15	4,344.29
2/22/2017 Deposit Permit #05448 - Jan 2017	22,120.60	17,696.48	4,424.12
3/8/2017 Pret to Livermore-Host Community (Oct-Dec 16)	0.00	,	(6.
3/15/2017 Deposit Permit #06205 - Feb 2017	20,230.08	16,184.06	4,046.02
	4,386.25	3,509.00	877.25
4/19/2017 Deposit Permit #07370 - Mar 2017	23,870.82	19,096.66	4,774.16
5/15/2017 Prut to Livermore-Host Community (Jan-Mar17)	0.00	1	•
5/17/2017 Deposit Permit #08296- Apr 2017	22,426.31	17,941.04	4,485.26
5/31/2017 Education Advisory Board funds to Livermore - 2017	0.00	,	•
6/30/2017 Deposit Permit #09856- May 2017	25,033.71	20,026.97	5,006.74
7/21/2017 Deposit Permit #10444- June 2017	25,575.22	20,460.17	5,115.04
8/21/2017 Deposit Permit #11390- July 2017	24,502.04	19,601.63	4,900.41
9/7/2017 Pint to Livermere-Host Community (Apr-Jun17)	0.00		1
	00.00	•	(2)

588,808.59

2,944,041.94 2,355,234.35

Sub Totals



CITY COUNCIL AGENDA REPORT

October 17, 2017 Community Development

TITLE: ADOPT A RESOLUTION AUTHORIZING THE EAST BAY REGIONAL PARK DISTRICT TO USE ALAMEDA COUNTY ALTAMONT LANDFILL OPEN SPACE FUNDS TO PURCHASE THE GLENN PROPERTY (10 TEHAN CANYON ROAD)

SUMMARY

On September 15, 2017 the Altamont Landfill and Resource Recovery Facility Open Space Advisory Committee considered the application of the East Bay Regional Park District (EBRPD) for a grant for \$600,000 for partial funding of the purchase of the 4-acre Glenn property, which is located at 10 Tehan Canyon Road, adjacent to Pleasanton Ridge Regional Park. The Open Space Advisory Committee voted favorably to fund \$100,000 of the \$600,000 request. The funding would be withdrawn from the funds reserved for grants in the western area. Expenditure of these funds must be approved by the City of Pleasanton and the Alameda County Board of Supervisors. In order to authorize expenditure of the funds, the City of Pleasanton must find that the open space acquisition is consistent with the criteria included in the Altamont Landfill Settlement Agreement.

STAFF RECOMMENDATION

Staff recommends that the City Council finds the EBRPD grant request (Attachment 2) is consistent with the criteria included in the Altamont Landfill Settlement Agreement, Subsection 7.4.2. (Attachment 3), and adopts the attached resolution (Attachment 1).

FINANCIAL STATEMENT

This action would have no impact on City of Pleasanton finances.

BACKGROUND

In 1999 the City of Pleasanton entered into a settlement agreement with the County of Alameda, the City of Livermore, the Sierra Club, Northern California Recycling Association (NCRA), Altamont Landowners Against Rural Mismanagement (ALARM), and Waste Management of Alameda County (WMAC), Inc. The settlement resulted from litigation over the expansion of the Altamont Landfill. As part of the settlement, the parties agreed that the County would impose a fee totaling \$1.25 per ton at the Altamont Landfill and Resource Recovery Facility. The jurisdictions currently paying this fee are Oakland, San Francisco, Alameda, San Leandro, Castro Valley, Oro Loma, Albany, Hayward, and Dublin. The fee results in a continuous, yet variable revenue stream. The funds are collected in three accounts, as follows:

- \$0.25 per ton to the Education Account
- \$0.25 per ton to the City of Livermore for host community impacts
- \$0.75 per ton to the Open Space Account

The use of the Open Space fund is distributed on an 80 percent/20 percent split with eighty percent of the fees designated for purchases in the eastern area, and twenty percent of the fees designated for purchases in the western area (see Attachment 4 for a map depicting these areas). The City of Pleasanton and Alameda County must authorize expenditures in the western area.

The settlement also required the creation of an advisory committee. The Altamont Landfill and Resource Recovery Facility Open Space Advisory Committee was created to oversee the collection and distribution of the funds generated by the settlement agreement. After its formation, the Open Space Advisory Committee established a grant application process that allows it to review proposals based on their merit and public benefit.

In August 2017, EBRPD submitted an application to the County for a \$600,000 grant for part of the total \$1,900,000 cost of acquiring the 4-acre Glenn property. On September 15, 2017, the Open Space Advisory Committee considered this application, and voted to fund \$100,000 of the \$600,000 request.

In accordance with the settlement agreement, the organizations affected by the proposed project (the City of Pleasanton¹ and Alameda County) must determine that the recommendation for expenditure is consistent with the settlement agreement in order to release the appropriate funds to the grantee. Subsection 7.4.2. of the settlement agreement states that first priority for acquisition of property should be land having significant value for preservation of native biological diversity and/or wildlife habitat, and

The City of Pleasanton has another agreement with the City of Dublin regarding the use of the Open Space Fund for property in the western area. Because this land is not within the limits of the City of Dublin, that agreement does not require City of Dublin approval of this site. However, since Dublin residents and businesses do pay into the fund, this Dublin and Pleasanton agreement provides for equal division of the use of western area funds. That agreement allows for alternative allocations when funds cannot be exactly equally divided in particular years based on which sites become available, such as the present situation.

second priority should be for acquisition of property having significant value for visual character and/or non-motorized recreation.

DISCUSSION

EBRPD proposes to acquire the 4-acre Glenn property located adjacent to Pleasanton Ridge Regional Park, within unincorporated Alameda County, at 10 Tehan Canyon Road (see the complete application in Attachment 2).

The subject property is currently improved with a 3,500 square-foot single-family residence (constructed in 1982), a two-car garage, and a detached garage/workshop and cottage. It also contains dense native tree and shrub cover, including oaks, California bay laurel, California black walnut, and coyote brush. Tehan Creek (an ephemeral creek) runs behind the existing residence.

The property lies adjacent to the Pleasanton Ridge Regional Park, which is known to support many native and special status plant and animal species. The Glenn property lies within an area of the Pleasanton ridgelands that is highly suitable for conservation as it contains habitat known to support the Alameda whipsnake, San Joaquin kit fox, California red-legged frog, California tiger salamander, and Callipe silverspot butterfly. EBRPD staff have recorded sightings of Congdon's tarplant and bristly leptosiphon in the vicinity of the subject site. The Conservation Lands Network finds the Glenn property and the surrounding area to be a critical north-south linkage between the East Bay Hills Range and the South Diablo Range. Acquisition of the property by EBRPD would also eliminate an inholding with Pleasanton Ridge Regional Park and further protect the habitat value of the surrounding parkland.

The property also has visual and non-motorized recreational value, as the acquisition of the property may provide an opportunity to provide an alternative trail alignment into the interior of the park from the planned Garms staging area (although other trail alignments on EBRPB land could provide access to the former Garms property, they would require more elevation gain than the potential trail alignment through the subject Glenn property). This trail could provide access to Tehan Falls, which is currently not accessible to the public. The use of the buildings on the site has not been determined by EBRPD, but one of the structures would likely be used for a park ranger residence, and would provide the ability for EBRPD staff to more effectively monitor and protect the sensitive area around Tehan Falls once the Garms staging area opens to the public.

<u>Funding</u>

The total cost of the Glenn property is \$1,900,000. Apart from the request made to the Advisory Committee, EBRPD funding for this property includes money from EBRPD Measure WW, which will fund 68 percent of the total purchase price.

As of April 11, 2017, the balance of the trust fund for the Western Area (20 percent) was \$588,808.59. Funding the request from EBRPD as approved by the Advisory Committee would reduce the balance by \$100,000.

Advisory Committee Recommendation

The review of the proposal by the Open Space Advisory Committee involved a submittal package and a presentation by EBRPD, and input from Committee members in attendance at the meeting on September 15, 2017. Certain members of the Open Space Advisory Committee objected to authorizing contribution of the full \$600,000 request due to the relatively high cost of the property on a per acre basis and a desire to use funding primarily for open space acquisition (as opposed to the acquisition of structures). However, the motion for contributing \$100,000 towards the purchase generated unanimous support among voting members of the Open Space Advisory Committee.

To authorize funding, the City of Pleasanton and the County must determine only whether the funding request is consistent with the criteria set forth in Subsection 7.4.2. of the settlement agreement, which states that first priority for the acquisition of land should be land having significant value for preservation of native biological diversity and/or wildlife habitat, and second priority of land acquisition should be properties having significant value for visual character and/or non-motorized recreation. In addition to the desired land values described above, a land acquisition proposal cannot be a requirement set forth as a condition of project approval (where protection of the open space would occur regardless of investment of Altamont Landfill Settlement Agreement funds). Staff believes the criteria in Subsection 7.4.2. are met with EBRPD's proposal for acquisition of the Glenn property, as the land has ecological value and would expand access along Pleasanton Ridge, and would not otherwise be protected as open space through conditions of approval.

Submitted by:

Gerry Beaudin

Director of

Community Development

Approved by:

Nelson Fialho City Manager

Attachments:

- Resolution Authorizing the Use of Funds from the Altamont Landfill Open Space

 Fund
- 2. Grant Application from the East Bay Regional Park District, dated August 15, 2017
- 3. Excerpt from Settlement Agreement Between and Among the County of Alameda, the City of Livermore, the City of Pleasanton, Sierra Club, Northern California Recycling Association, Altamont Landowners Against Rural Mismanagement, and Waste Management of Alameda County, Inc.
- 4. Map Depicting Area for Expenditure of Open Space Account

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, AUTHORIZING THE USE OF ALAMEDA COUNTY ALTAMONT LANDFILL OPEN SPACE FUNDS TO PURCHASE THE GLENN PROPERTY (10 TEHAN CANYON ROAD) BY THE EAST BAY REGIONAL PARK DISTRICT AND MAKING A FINDING OF CONSISTENCY WITH THE CRITERIA IN THE SETTLEMENT AGREEMENT

WHEREAS, the City of Pleasanton is party to: (a) the Settlement Agreement between and among the County of Alameda, the City of Livermore, the City of Pleasanton, Sierra Club, Northern California Recycling Association, Altamont Landowners Against Rural Mismanagement and Waste Management of Alameda County, Inc. dated December 5, 1999 (the "Settlement Agreement"); and (b) the Agreement between the City of Dublin and the City of Pleasanton regarding Expenditures by the Open Space Advisory Committee Created by an Agreement Settling Litigation Over the Expansion of the Altamont Landfill dated June 19, 2001 (the "Dublin and Pleasanton Agreement"); and

WHEREAS, the above Settlement Agreement established an Open Space Committee to advise on the allocation of funds from the Open Space Account; and

WHEREAS, the East Bay Regional Park District has made an application to the Open Space Committee and is requesting \$100,000 (one hundred thousand dollars) for the purchase of the Glenn Property, adjacent to Pleasanton Ridge Regional Park; and

WHEREAS, all requests for funds from the Open Space Account must be found to be consistent with Subsection 7.4.2. of the Settlement Agreement, which states that first priority for acquisition of property should be land having significant value for preservation of native biological diversity and/or wildlife habitat, and the second priority should be for acquisition of property having significant value for visual character and/or non-motorized recreation; and

WHEREAS, the Glenn Property is located in the western area which requires a vote by the City of Pleasanton and the County of Alameda; and

WHEREAS, the acquisition of the Glenn Property meets the Alternative Allocations provisions of the Dublin and Pleasanton Agreement.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

Section 1: The City Council finds the application by the East Bay Regional Park District for \$100,000 (one hundred thousand dollars) in funding from the Altamont Landfill Open Space Fund for purchase of the Glenn Property to be consistent with the criteria stated in Subsection 7.4.2. of the Settlement Agreement.

Section 2: The City Council finds that the acquisition is exempt from further review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations §15313 as this is acquisition of lands for preservation of access to public lands to preserve the land in its natural condition, and for the preservation of habitat.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on October 17, 2017.

1, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 17th of October, 2017, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Dan Sodergren, City Attorney





2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T; 1-888-EBPARKS F, 510-569-4319 TRS RELAY 711 WWW.EBPARKS ORG

August 15, 2017

Maria Palmeri Alameda County Planning Department 224 W. Winton Avenue, Room 111 Hayward, CA 94544

Re: Alameda County Altamont Landfill Open Space Fund Grant Application

Glenn Property Acquisition Pleasanton Ridge Regional Park

Dear Ms. Palmeri:

Enclosed for the Alameda County Altamont Landfill Open Space Committee's consideration is a grant application for acquisition of the 4.0-acre Glenn property. This property will expand the existing 9,000-acre Pleasanton Ridge Regional Park and provide the Park District with the opportunity to 1) eliminate an inholding within the park, thereby protecting habitat values of the surrounding parkland, 2) reuse the current single-family residence for park purposes and 3) develop an alternative trail alignment into the interior of the park from the future staging area off northern Foothill Road.

We sincerely appreciate the opportunity to participate in this program. If you have any questions or need additional information, please contact Liz Musbach, Chief of Land Acquisition, at 510-544-2610.

Thank you for your consideration.

1/1

Robert E. Doyle

General Manager, East Bay Regional Park District

Enclosure

10 30 0



PLANNING DEPARTMENT

224 W. Winton Ave., Room 111 Hayward, CA 94544

phone 510.670.5400 fax 510.785.8793 www.acgov.org/cda

Application for Grant Funding

Alameda County Altamont Landfill Open Space Fund

GRANTEE INFORMATION

Name of Applicant Requesting Funding (Project Sponsor): East Bay Regional Park District

Project Manager or Contact Person: Elizabeth Musbach

Mailing Address: East Bay Regional Park District 2950 Peralta Oaks Court Oakland, CA 94605

Telephone Number: Fax Number: E-mail Address:

(510) 544-2610 (510) 569-1417 <u>LMusbach@ebparks.org</u>

Is the Applicant a Non-profit or 501(c)(3) organization: Yes

Federal Tax Identification Number: 94-6000591

LANDOWNER INFORMATION

Name of Landowner: Raili J. Glenn, Trustee of the Raili Glenn Survivor's Trust and the David Glenn

Memorial Trust

Mailing Address: 7172 Regional Street #127, Dublin, CA 94568-2324

Telephone Number: Fax Number: E-mail Address (925) 846-4888 Railig@sbcglobal.net

PROJECT INFORMATION

Project Title: Acquisition of 4.0± acres of real property.

Project Location: APN 941-1900-003, 10 Tehan Canyon Road

Jurisdiction in which property is located: Unincorporated Alameda County

Land use designation and zoning applicable to the property: The County zoning is "A" Agricultural with a minimum lot size of 100 acres. The General Plan designation is Agricultural.

PROJECT OBJECTIVE

Funding Requested: \$600,000

Total Project Cost (including in-kind contributions):

Itemized Project Expenses, including transaction costs:

(Include all project expenses; indicate those that would be paid for with Altamont funds.)

Itemized Expenses Requested funding

with this proposal

Funded by another

(Identify the source)

1. Selling Price:

\$600,000

\$1,300,000 EBRPD Measure WW acquisition funds

2. Transaction Costs:

\$0

EBRPD will cover all transaction costs (appraisal,

survey, appraisal, etc.)

Please Note:

Proposed funding date: November 30, 2017 (deadline for close of escrow)

Estimated completion date of project: November 30, 2017

Is the property currently under a Williamson Act contract?

Yes

If yes, has a notice of non-renewal been filed?

Yes

No

If yes, when does the contract expire?

Are there other easements or deed restrictions on the property (e.g., conservation easements, access roads, utility lines, pipelines, etc.)? Are other easements currently being negotiated? (Yes

No

There is an appurtenant easement which provides access rights over Tehan Canyon Road for ingress and egress to the subject property and three other property ownerships. The easement obligates the total of four easement holders to share road maintenance costs proportionate to use. There is also an appurtenant easement for a well which serves the subject property but is located on an adjacent property.

Who will hold fee title to the land or hold the easement? East Bay Regional Park District

Is that entity aware of this project?

No

If yes, provide name and contact information of the appropriate representative:

Elizabeth Musbach, Chief of Land Acquisition

2950 Peralta Oaks Court Oakland, CA 94605 (510)544-2610

Musbach@ebparks.org

Signature of Applicant:

PROJECT DESCRIPTION

Thoroughly describe the full project and clearly indicate which portions are proposed for ALOSC funding.

East Bay Regional Park District proposes to acquire approximately 4.0 acres of real property from Raili J. Glenn, Trustee of the Raili Glenn Survivor's Trust and the David Glenn Memorial Trust as part of Pleasanton Ridge Regional Park. The Glenn property is a rural/agricultural inholding within Pleasanton Ridge Regional Park. The property is improved with a 3,500 square-foot single-family residence built in 1982 that was used as the Glenn family home. The property is located at 10 Tehan Canyon Road, adjacent to the Pleasanton city limit, in unincorporated Alameda County. Tehan Canyon Road is a private shared access road that can be accessed from Serenity Terrace in the Moller Ranch subdivision off Foothill Boulevard. The Glenn property lies within the 13,000-acre Pleasanton ridgelands which are characterized both by heavily forested ridges and valleys on the eastern and northern faces and vast open grasslands along the ridgetops and southern and western slopes. The ridgelands stretch from I-580 to the north, Niles Canyon Road to the south, Palomares Road to the west and Foothill Boulevard to the east.

The proposed acquisition will eliminate an inholding within Pleasanton Ridge Regional Park and thereby further protect the habitat value of the surrounding parkland. In the future, the residence may possibly serve as a staff or public facility, to be determined through the Park District's land use planning process. Acquisition of the property may also serve to provide an alternative trail alignment into the interior of the park from the nearby Park office, security residence, meeting facility and future staging area located on the former Garms property, purchased by the Park District in 1994. The future staging area is highly anticipated by the public as it will provide the only access into the park from northern Foothill Road. Additionally, the potential trail may possibly serve to bring the public to Tehan Falls, a popular destination that is currently inaccessible by the public. Park District ownership of the inholding at the same time will serve as additional staff eyes and ears on this sensitive area of the park's interior once it becomes open to the public.

The Glenn property is comprised of one legal parcel corresponding to Alameda County Assessor parcel 941-1900-003. The parcel is irregularly shaped, roughly rectangular, and zoned Agricultural 100-acre minimum with a General Plan designation of Agricultural. The property is improved with by a single-family home that was built in 1982 and contains 3,500 square-feet of living space including three bedrooms and three bathrooms. The home also has an attached two-car garage. The residence fronts directly on Tehan Canyon Road. The site is also improved with a detached garage/workshop and cottage that are in poor condition. According to the Seller, the structures are at least 100 years old. The Park District plans to contract with an Archaeological/Historical consultant to determine if the structures are of historic significance. The property is serviced with a private well and septic system and is linked to PG&E power.

The eastern side of the subject parcel, behind the residence, has steeply sloping topography that is mostly in a natural state, except for some landscaping at the front of the residence. Seasonal Tehan Creek runs behind the home at the foot of a heavily wooded hillside and can be crossed by a footbridge. The hillside is populated with oaks, California bay laurel and California black walnut, punctuated by stands of coyote brush in the sunnier locations. The creek travels from the northeast portion of the parcel through to the southwest portion of the parcel. The elevation of the property runs from 540 feet at creekside to a high point of 680 feet in the southeast corner.

Describe how the project meets the ALOSC funding criteria.

1. Significant Native Biodiversity Value

One of the Park District's goals is to balance public access, recreation and education with the core mission to protect and preserve native biodiversity. Acquisition of the proposed property provides the Park District with the opportunity to further protect sensitive habitat values in the area.

Pleasanton Ridge Regional Park contains habitat known to support many native and special status plant and animal species. The Preserve is populated primarily with a mix of oak woodlands, riparian-ephemeral canyon creeks and springs, mixed chaparral, and annual grasslands. The subject property is dominated by dense native tree and shrub cover including various species of oaks, California bay laurel, California black walnut and coyote brush. The ephemeral Tehan Creek runs behind the residence.

Over the last decade, the Bay Area Open Space Council has partnered with 125 regional experts to develop the Conservation Lands Network, a collaborative, science-based effort and tool used to prioritize conservation of Bay Area landscapes for the protection of biodiversity. According to the Conservation Lands Network, the Glenn property lies within an area of the Pleasanton ridgelands that is highly suitable for conservation as it contains habitat known to support the Alameda whipsnake, San Joaquin kit fox, California red-legged frog, California tiger salamander, and Callipe silverspot butterfly. Park District staff have recorded sightings of Congdon's tarplant and bristly leptosiphon in the vicinity, as well. A search of the California Native Diversity Database (CNDDB) identified the following special status plant and animal species in the Dublin quadrant, in which the Glenn property lies:

- Agelaius tricolor (tricolored blackbird)
- Athene cunicularia (burrowing owl)
- Elanus leucurus (white-tailed kite)
- Vulpes macrotis mutica (San Joaquin kit fox)
- Taxidea taxus (American badger)
- Ambystoma californiense (California tiger salamander)
- Masticophis lateralis euryxanthus (Alameda whipsnake)
- Antrozous pallidus (pallid bat)
- Rana draytonii (California red-legged frog)
- Helianthella castanea (Diablo helianthella)
- Centromadia parryi ssp. congdonii (Congdon's tarplant)
- Other species supported by the habitat include the mountain lion, bobcat, deer, golden eagle and other raptors.

More importantly, the Conservation Lands Network finds this area to be a critical north/south linkage between the East Bay Hills Range and the South Diablo Range. Acquisition of the subject property will connect established parklands by linking the 111-acre Garms property with the other park acreage to the west and south, over 9,000 acres in total. Large, contiguous corridors populated by expanses of ideal habitat provide wildlife

species with optimal opportunities for foraging, shelter and breeding. The property is located within the habitat corridor created by the contiguous preserved open space of Pleasanton Ridge Regional Park, and to the south, the City's Augustin Bernal Park and SFPUC's open space lands surrounding their San Antonio and Calaveras Reservoirs. The Park District envisions that someday this impressive corridor will also connect to and include Dublin Hills Regional Park and Bishop Ranch Open Space Regional Preserve to the north, and possibly even Las Trampas Wilderness Regional Preserve.

In 2006, the United States Fish and Wildlife Service designated the Hayward-Pleasanton Ridge area as one of six critical habitat units for the Alameda whipsnake stating that it contains, "...a mosaic of scrub and chaparral vegetation and rocky outcrops considered essential to the conservation of the subspecies."

This unit is included in the designated critical habitat because it contains features essential to the conservation of the Alameda whipsnake; is currently occupied by the subspecies; and represents the southwestern portion of the subspecies' range and one of the five population centers.

The Pleasanton General Plan 2005 - 2025 also recognizes the unique setting of the Pleasanton ridgelands and the opportunity to sustain biodiversity in the area. It enumerates policies and programs aimed at achieving the objective of preserving and enhancing wildlife habitats, corridors and streambeds in its jurisdiction while promoting sensitive recreation in these areas.

The East Alameda County Conservation Strategy places the Pleasanton ridgelands in their Conservation Zone - 11 and says that protection of mixed riparian forest and woodland should be a conservation priority for Congdon's tarplant, Callippe silverspot butterfly, California red-legged frog, California tiger salamander, and the tricolored blackbird. Alameda's East County Area Plan establishes policies and programs centered on preserving biological resources and habitat corridors:

The County shall preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitats to provide comprehensive, rather than piecemeal, habitat conservation...

2. Significant Visual and/or Non-motorized Recreational Value

In addition to the subject property's biological value discussed above, the Glenn property also offers unique recreational value. If acquired by the Park District, the Glenn property will be managed as part of Pleasanton Ridge Regional Park. The Park District's *Master Plan 2013* defines a Regional Park as a spacious land area with outstanding natural features including rare species of flora and fauna which also has sufficient land area to support many outdoor recreational opportunities for the enjoyment and education of the public. In 2012, the Park District completed the Land Use Plan (LUP) for Pleasanton Ridge which lays out the goals for managing the park: balancing conservation objectives in accordance with Federal, State and local guidelines, while offering facilities and safe parkland experiences for the public. The LUP envisions 30 miles of multi-use trails, one pack-in campsite, a variety of interpretive programs and several picnic sites. Subsequent to acquisition, the Glenn property will be incorporated into the LUP, and as determined during that process, the residence may in the future serve as a public facility. Acquisition of the property may also serve to provide an

alternative trail alignment into the interior of the park from the former Garms property off northern Foothill Road, which is slated to become a staging area. Possible trail uses could include hiking, horseback riding, bicycling, picnicking and nature study. Such a trail could also provide future alternative public access to nearby Tehan Falls, a seasonal waterfall with a sixty-foot drop nestled in a thick canopy of trees with a carpet of green moss and ferns that is currently inaccessible to the public. In contrast to the surrounding urban environment that is located just miles from the park, the land within the park provides a wonderful respite from the city sights and sounds.

The Park District's vision of providing resource-compatible, low impact recreation in this area of Alameda County has long been supported by several other local jurisdictions and planning efforts. Acquisition and protection of open space in the Pleasanton ridgelands area for recreational use is supported Alameda County's *East County Area Plan* which sets forth policies and programs that support the ridgelands as permanent open space for public use and creation of a regional trail system connecting Pleasanton Ridge to West Dublin and Contra Costa, Santa Clara and San Joaquin counties.

The *Pleasanton General Plan* 2005 - 2025 also supports the expansion of Pleasanton Ridge Regional Park for recreation. Goal 6 of its Open Space and Conservation Element aims to achieve an open space system that that offers pedestrian, bicycle, equestrian, and hiking trails, staging areas and restrooms, and preserves areas that offer extraordinary views.

Expansion of Pleasanton Ridge Regional Park is also supported by the following, target trail user groups: the Hayward Hiking Club, the Bicycle Trails Council of the East Bay, Bike East Bay, and the East Bay Area Trails Council. These groups advocate for appropriate access to open space for recreation, and promote collaboration among trail planners, funders, developers and users.

3. Strategic Value in Land Protection

Currently the Glenn property is an inholding within Pleasanton Ridge Regional Park. Acquisition of the property as part of Pleasanton Ridge Regional Park will ensure that the land is managed as part of a nationally recognized park system which balances conservation, resource enhancement, environmental education and recreation. The Park District employs best practice resource management principles that support biodiversity and healthy ecosystems while bringing the public closer to the natural world in their backyards and providing opportunities for recreation and environmental education. The acquisition of the Glenn property creates a special opportunity to accomplish two essential goals: providing and expanding public access and extending and protecting a habitat corridor.

The Glenn property offers a unique opportunity to expand the trail system on the eastern side of the ridgelands for low intensity recreation. Park District staff will examine the feasibility of connecting the property to the Garms facility and future staging area located to the east off Foothill Road. The property may also play a role in providing alternative public access to nearby Tehan Falls, a popular destination that is currently inaccessible by the public. Access into the Park is also needed to connect to the Calaveras Ridge Trail which runs through the center of the Park. This scenic trail may eventually link to proposed trail systems in eastern Alameda County and Contra Costa County such as the Shadow Cliffs to Del Valle Trail, Shadow Cliffs to Morgan Territory Trail, and the Arroyo Mocho Trail. Finally, the proposed acquisition will allow the Park

District to get one step closer to taking land banked areas of Pleasanton Ridge Regional Park out of land bank status for use by the public.

4. Additional Funding Sources

The appraised fair market value of the property is \$1,900,000. Over sixty-eight percent of the total purchase price will be matched by Park District Measure WW funds.

5. Willing Sellers

On July 25, 2017, by Board Resolution No. 2017-07-216, the Park District Board of Directors authorized Park District staff to enter into an Option, Purchase and Sale Agreement with the property owner to purchase the subject property for the appraised fair market value. The agreement has been executed by the property owner, and the Park District has until November 30, 2017 to close escrow.

CEQA Exemption

Under CEQA and the Park District's Environmental Review Manual, this project is Categorically Exempt and therefore not subject to preparation and processing of environmental documentation. The project consists of the acquisition of property in order to provide access into a park, protect habitat values and possibly convert the current improvement into a park facility. Any future plans for the development of trails, trail connections and a park facility will receive the appropriate level of CEQA review.

Describe how the property will be operated and maintained (e.g., if donated to the East Bay Regional Park District, an agreement showing that EBRPD is willing to accept and maintain the property; if a conservation easement is proposed, indicate what the easement holder's monitoring plan is for the property.)

For over 80 years the Park District has acquired and managed a diversified system of regional parklands, shorelines, recreation areas, preserves and trails which offer outstanding recreational opportunities and preserve biologic, geologic, scenic, cultural and historic resources within Alameda and Contra Costa counties. As part of its mission, the Park District balances environmental stewardship with public access, and maintains and restores parklands for their important scenic, natural and cultural values. The property proposed for acquisition will become part of a nationally recognized park system which balances conservation, resource enhancement, environmental education and recreation. The Park District employs best practice operations and maintenance principles that support diversity and healthy ecosystems, while bringing the public closer to the natural world in their back yards and providing opportunities for recreation and education.

As part of Pleasanton Ridge Regional Park, the Park District plans to employ a variety of accepted methods for protecting and managing the sensitive native biological resources while providing recreational opportunities. The strategy focuses on the promotion of biodiversity through habitat protection and management of flammable vegetation. The following adaptive goals and methods are detailed in the Pleasanton Ridge Land Use Plan:

 Manage the park to benefit both overall biodiversity and critical habitat for federal, state and California Natural Diversity Database (CNDDB) listed species, including nesting and foraging areas, in accordance with state and federal avoidance and minimization measures.

- Provide recreation facilities that will result in a stacked loop trail system that provides a broad range of skill levels and multi-use connections to parkland destinations; provide interpretive and recreation programs designed to augment safe public experiences.
- Minimize erosion and sedimentation into creeks and ponds to improve aquatic habitat and downstream water quality.
- Remove non-native plant and animal species to reduce competition and predation of native species.
- Fence or restrict access to sensitive habitat areas to protect breeding, foraging or migration patterns of native and special status species.
- Avoid construction of new trails in sensitive areas to protect habitat and promote biodiversity.
- Plant native species as appropriate.
- Employ selective cattle, sheep and goat grazing as appropriate to encourage growth of native grass species, achieve optimal vegetation density and reduce flammable vegetation.
- Conduct prescribed burns as appropriate to preserve or enhance resource values and reduce wildfire hazard.

LOCATION MAP





Residence off Tehan Canyon Road, looking southeasterly.



Balconies at rear of residence.



Interior of residence.



Kitchen.



Cottage dating to late 19th century.



Garage/workshop dating to late 19th century.



Tehan Creek and woodlands behind residence.

16





Oak woodland terrain behind residence.

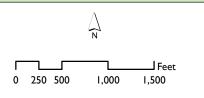


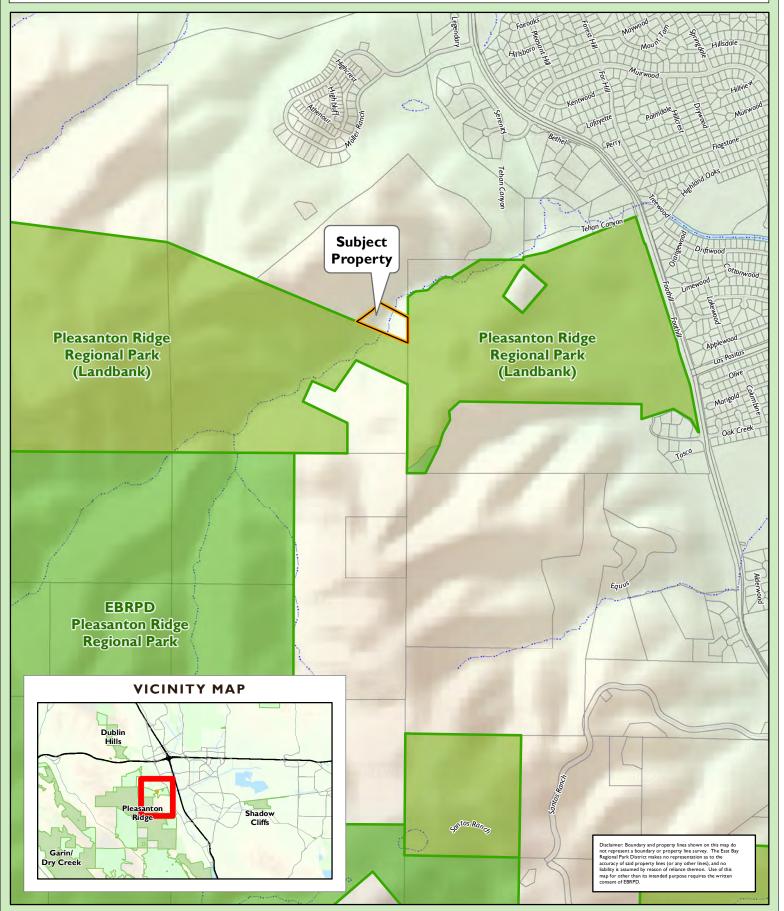
Tehan Canyon Road.

East Bay Regional Park District Acquisition, Stewardship and Development Division May 12, 2015 t/bstone/mxd projects/appraisal/ pr_Glenn-appraisal-b+w..mxd

PLEASANTON RIDGE REGIONAL PARK Glenn Property ARNI-941, 1990, 003

Glenn Property APN: 941-1900-003 (4.00 acres) Vicinity Map

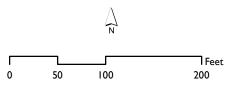




East Bay Regional Park District Acquisition, Stewardship and Development Division May 12, 2015 t/bstone/mxd projects/appraisal/ pr_Glenn-appraisal_aerial.mxd

PLEASANTON RIDGE REGIONAL PARK

Glenn Property APN: 941-1900-003 (4.00 acres) Aerial View





PLEASANTON RIDGE REGIONAL PARK East Bay Regional Park District Acquisition, Stewardship and Glenn Property APN: 941-1900-003 Development Division May 12, 2015 ☐ Feet (4.00 acres) t:/bstone/mxd projects/appraisal/ pr_Glenn-appraisal_topo.mxd 50 100 200 Topographic View 160.5 520.5 640.5 000 580.5 600 Glenn/Property APN: 941-1900-003 (4.00 acres) 660 80 **EBRPD** Pleasanton Ridge Regional Park 580.5 640.5 Location Map 100.5 760.5 120

